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12 Attorneys for Defendants
13 KAISER FOUNDATION HEALTH PLAN, INC.;
14 KAISER FOUNDATION HOSPITALS; and
15 THE PERMANENTE MEDICAL GROUP, INC.

16 UNITED STATES DISTRICT COURT
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18 NORTHERN DISTRICT OF CALIFORNIA
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20 LUNELL GAMBLE, and SHEILA KENNEDY,
21 on behalf of themselves as well as a class of
22 similarly situated individuals,

23 Plaintiffs,

24 vs.

25 KAISER FOUNDATION HEALTH PLAN,
26 INC.; KAISER FOUNDATION HOSPITALS,
27 INC.; and THE PERMANENTE MEDICAL
28 GROUP; all doing business as KAISER
PERMANENTE MEDICAL CARE
PROGRAM,

Defendants.

Case No. 17-cv-06621-YGR

**DEFENDANTS' NOTICE OF PENDENCY
OF OTHER ACTION OR PROCEEDING**

Judge Hon. Yvonne Gonzalez Rogers
Courtroom: 1

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Pursuant to Civil Local Rule 3-13, Defendants KAISER FOUNDATION HEALTH
3 PLAN, INC. (“KFHP”); KAISER FOUNDATION HOSPITALS (“KFH”); and THE
4 PERMANENTE MEDICAL GROUP, INC. (“TPMG”) (collectively, “Defendants”) submit this
5 Notice of Pendency of Other Action or Proceeding to give notice of the following action: *Shelby*
6 *Stewart, Charleta Dabrowski, Benedict Johnson, and Kenya Mayfield, on behalf of themselves*
7 *and all others similarly situated v. Kaiser Foundation Health Plan, Inc., Kaiser Foundation*
8 *Hospitals, Inc., The Permanente Medical Group, and Southern California Permanente Medical*
9 *Group*, San Francisco Superior Court Case No. CGC-21-590966 (“*Stewart*”).

10 **This Action – *Lunell Gamble and Sheila Kennedy v. Kaiser Foundation Health Plan,***
11 ***Inc, Kaiser Foundation Hospitals, and The Permanente Medical Group, Inc.*** (“*Gamble*”)

12 In this case, the operative Fourth Amended Federal Court Class Action Complaint filed by
13 Plaintiffs Lunell Gamble and Sheila Kennedy alleges the following purported causes of action:

14 (1) Violation of Title VII, 42 U.S.C. §2000e-2 et seq., and California Fair Employment and
15 Housing Act (FEHA), California Government Code 12940, et seq. – Class Race and Subclasses –
16 Race/Gender and Race/Age – Disparate Impact in Promotion; (2) Violation of Title VII, 42
17 U.S.C. §2000e-2 et seq., and the Civil Rights Act, 42 U.S.C. §1981, and California Fair
18 Employment and Housing Act (FEHA), California Government Code 12940, et seq. – Class Race
19 and Subclasses – Race/Gender and Race/Age –Disparate treatment in promotion, retention and
20 termination; (3) Violation of Age Discrimination in Employment Act, (ADEA), 29 U.S.C. §621,
21 et seq., and FEHA – Age Discrimination in Termination; and (4) Tile [sic] VII, FEHA, ADEA
22 and §1981 – Class Claims for Disparate and Retaliatory Treatment for Making or Assisting in
23 Complaints. Plaintiffs’ Complaint is pled as a putative class action by which Plaintiffs seek to
24 represent all “African Americans, and subclasses of female African Americans and older African
25 Americans, who – during the maximum liability period determined for this action – were
26 employed at [Defendants] in the northern California region, and (1) were denied promotion, (2)
27 were terminated, or (3) complained internally or to a governmental entity regarding race or age
28 discrimination.”

1 **The *Stewart* Matter**

2 *Stewart* was filed in the San Francisco Superior Court on April 22, 2021, against Kaiser
 3 Foundation Health Plan, Inc., Kaiser Foundation Hospitals, The Permanente Medical Group, Inc.
 4 and Southern California Permanente Medical Group (“Defendants”) by Plaintiffs Shelby Stewart,
 5 Charleta Dabrowski, Benedict Johnson, and Kenya Mayfield, who are represented by Leiff
 6 Cabraser, Heimann & Bernstein, LLP (Kelly Dermody and Jalle Dafia) and Medina Orthwein
 7 LLP (Felicia Medina, Kevin Love Hubbard and Shauna Madison). The Complaint was filed
 8 simultaneously with Plaintiffs’ motion for preliminary approval of a class settlement on behalf of
 9 a proposed settlement class of Black or African-American employees employed full-time by any
 10 of the Defendants in California at any time between January 1, 2015 and March 31, 2021, in a
 11 covered position (i.e., certain delineated full-time occupied, exempt or nonexempt, non-union,
 12 non-clinical, Director-level or below jobs in the Administrative Support or Consulting Services
 13 job families) in any of the following Regions: Northern California (NCAL); Southern California
 14 (SCAL); California locations of the Program Offices Region; California locations of the KP-IT
 15 Region. The *Stewart* Complaint purports to allege the following causes of action (1) Race
 16 Discrimination in violation of the Federal Employment and Housing Act (“FEHA), Gov’t Code
 17 §12940 et seq., Title VII, 42 U.S. C section 1981; (2) Unequal pay in violation California Fair
 18 Pay Act, Cal. Lab. Code section 1197.5, et seq.; (3) Failure to prevent discrimination in violation
 19 of the FEHA, Cal. Gov’t Code section 12940(k); (4) Unfair competition in violation of California
 20 Unfair Competition Law, Cal. Bus & Prof. Code sections 17200 et seq.; and (5) violation of the
 21 Private Attorneys General Act, Cal. Lab. Code section 2698 et seq. The motion for preliminary
 22 approval in *Stewart* remains pending.

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1 Defendants do not believe that *Gamble* and *Stewart* are related cases or that they should
2 be coordinated but file this Notice of Pendency in an abundance of caution to provide notice to
3 the Court of the *Stewart* matter.

4 DATED: May 24, 2021

GBG LLP

6 BY: /s/ Amanda Bolliger
7 AMANDA BOLLIGER

8 Attorneys for Defendants
9 KAISER FOUNDATION HEALTH PLAN,
10 INC.; KAISER FOUNDATION
11 HOSPITALS; and THE PERMANENTE
12 MEDICAL GROUP, INC.
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